



# BUTTE COUNTY ADMINISTRATION EMERGENCY SERVICES

3-A COUNTY CENTER DRIVE  
OROVILLE, CALIFORNIA 95965-3334  
Telephone: (530)-538-7373 Fax: (530)-538-6760

## MEMBERS OF THE BOARD

BILL CONNELLY  
JANE DOLAN  
MAUREEN KIRK  
CURT JOSIASSEN  
KIM K. YAMAGUCHI

C. BRIAN HADDIX  
Chief Administrative Officer

August 1, 2008

Governor's Office of Homeland Security  
ATTN: Stacy Mason-Vegna, Program Manager  
Grants Management Section  
Monitoring & Audits Unit  
State Capitol  
Sacramento, CA 95814

Dear Stacy Mason-Vegna:

*James Lewis*

SUBJECT: Monitoring Report #M08-015

Enclosed please find the Monitoring Report Response Form and Corrective Action Plan for Butte County that addresses the findings in Monitoring Report #M08-015 for the following grants:

2002-0088 #007-00000	FY01 State Domestic Preparedness Equipment Program
2002-0133 #007-00000	FY02 State Domestic Preparedness Equipment Program
2003-0167 #007-00000	FY03 State Homeland Security Grant Program (SHSGP)
2003-0035 #007-00000	FY03 Part II Critical Infrastructural Protection (CIP)
2004-0045 #007-00000	FY04 Homeland Security Grant Program (HSGP)

If you have any questions regarding the Corrective Action Plan for Butte County please contact us at (530) 538-7373.

Thank you,

A handwritten signature in black ink, appearing to read "John Gulserian".

John Gulserian  
Butte County Emergency Services Officer

JG/cd

Encl.



ButteBusinessResources.com

Butte County Corrective Action Plan  
Reference Monitoring Report #M08-015

*Finding # 1 (Grant 2003-0167):* Reimbursement request was for \$27,436, finding #6 disallowed \$2080 in equipment purchases for exercise. Request \$2,080 be transferred to equipment purchases. Below is equipment to be used to satisfy equipment purchase:

Item: Generac Generator Model SG025

Vendor: Energy Systems

Acquired Date: 8/25/04

Serial #: 2077366

Cost: \$11,067.75 (cost split between grants 2003-0167 and 2002-0133)

AEL #: 10GE-00-GENR

Invoice: 55374

PO #: 2283

Condition & Disposition: in use

Location: Chico Sub Station / Communications Vault, 479 E Park Ave., Chico

See exhibit 1

*Finding #2 (Grant 2003-0167):* Uploaded the Butte County WMD/MCI Exercise After Action Report to the ODP Portal June 5, 2008. After Action report included in Corrective Action Plan packet exhibit 2. Will ensure future exercise AAR's are submitted to OHS and uploaded to the ODP Portal.

*Finding #3: M&A for three grants*

- Grant 2002-0133 - \$2,100 over payment. Request \$2,100 be transferred to equipment purchases. Equipment to be used to satisfy equipment purchase:

Item: Generac Generator Model SG025

Vendor: Energy Systems

Acquired Date: 8/25/04

Serial # 2077366

Cost: \$11,067.75 (Cost split between grants 2003-0167 and 2002-0133)

AEL #: 10GE-00-GENR

Invoice: 55374

PO #: 2283

Condition & Disposition: in use

Location: Chico Sub Station / Communications Vault, 479 E Park Ave., Chico

See exhibit 1

- Grant 2003-0035 - \$7,846 overpayment. Request \$7,846 be transferred to equipment purchases. Equipment to be used to satisfy equipment purchase:  
 Item: Generac Generator Model SG0025A  
 Vendor: Energy Systems  
 Acquired Date: 8/25/04  
 Serial #: 2076880  
 Cost: \$9,716.85 (cost split between grants 2003-0035 and 2004-0045)  
 AEL #: 10GE-00-GENR  
 Invoice: 54835  
 PO #: 2333  
 Condition and Disposition: in use  
 Location: Platte Mountain Radio Vault, 17201 Deer Creek Highway, Forest Ranch

See exhibit 3

Documentation supporting \$1,700 in per diem allotted to one employee and a \$39 rate for another employee's training included in Exhibit 3.

- Grant 2004-0045 - \$983 overpayment. Request \$983 be transferred to equipment purchases, Project A. Equipment to be used to satisfy equipment purchase:  
 Item: Generac Generator Model SG0025A  
 Vendor: Energy Systems  
 Acquired Date: 8/25/04  
 Serial #: 2076880  
 Cost: \$9,716.85 (cost split between grants 2003-0035 and 2004-0045)  
 AEL #: 10GE-00-GENR  
 Invoice: 54835  
 PO #: 2333  
 Condition and Disposition: in use  
 Location: Platte Mountain Radio Vault, 17201 Deer Creek Highway, Forest Ranch

See exhibit 3

*Finding #4* : Functional timesheets for Tony St. Amant, Bill Pawek and Todd Toth see attached timesheets exhibit 4.

*Finding #5*: Butte County Procurement and Purchasing Policy response letter with attached sections of the referenced Butte County Contracts/Purchasing Policy & Procedure Manual. See exhibit 5.

*Finding #6 (Grant 2003-0167)*: See finding #1





**BUTTE COUNTY**  
**PURCHASING SERVICES**  
3-A COUNTY CENTER DRIVE  
OROVILLE, CA 95965-3334  
(530) 538-7261

EXHIBIT 1

**PURCHASE ORDER NUMBER**

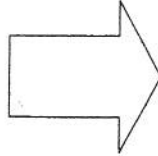
P-

**Nº 0002283**

PROVIDE MATERIAL SAFETY DATA SHEETS FOR ALL HAZARDOUS PRODUCTS, AS REQUIRED BY LAW, WITH DELIVERY OF PRODUCT SHIPPED AGAINST THIS ORDER. CALIFORNIA ADMIN CODE 5194(f)(M) (6-7)

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ENERGY SYSTEMS  
P.O. BOX 31420  
STOCKTON CA 95213-1420



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CHICO SUB STATION  
ATTN COMMUNICATIONS VAULT  
479 E PARK AVE  
CHICO CA 95928

DATE OF ORDER	SOLICITATION NO.	SALES REPRESENTATIVE	CASH TERMS	F.O.B.	DELIVER ON OR BEFORE	DEPARTMENT CODE	REQUISITION NO.
04/22/04		Sandra Renz		Dest.	ASAP	725-552006-184	31
QUANTITY	U/M	ITEM DESCRIPTION				UNIT PRICE	EXTENSION
1	EA	Generac Generator Model SG025, 255kw, 120/240 volt, 1 phase, 60 cycle, LPG-Vapor fueled 3.9 liter, 1800 RPM engine					\$9900.00
		Consisting of the accessories listed on the quotation dated March 26, 2004.					
1	EA	Load-bank testing at time of start-up and test					\$450.00
		Contact Cheri Rockwell at 530-538-3877 to schedule delivery.					
BUYER NAME AND TELEPHONE NO.		Janet Woods 530-538-4353			SUBTOTAL		\$10,350.00
4934 PURCHASE ORDER NO.		Nº 0002283			TAX		717.75 \$750.37
					GRAND TOTAL		\$11,100.37

POSTED - ENCUMBERED

APR 30 2004

B & A LEDGER

11,067.75

Grant # 2003-0167 / 2002-0133

Grant Source SHSGP

Budget \$2,000 / \$2,100 Project EXERCISE/EQUIP

Check # 673244 Date Paid 8/25/04

INV # 55374

AUDITOR-CONTROLER

APR 24 2004

PROCESSED FOR

ENCUMBRANCE COPY

**E.S. INC. dba/ENERGY SYSTEMS**

7100 S. LONGE ST #300 (95206)  
P O BOX 31420  
STOCKTON, CA 95213-1420

(209) 870-1900

# Invoice

Customer No.: BUT003

Invoice No.: 55374

Bill To: **BUTTE COUNTY**  
COMMUNICATIONS DEPARTMENT  
#1 COUNTY CENTER DRIVE  
OROVILLE, CA 95965

Ship To: **BUTTE COUNTY (CHICO SUB STATION)**  
ATTN: COMMUNICATIONS VAULT  
479 E PARK AVENUE  
CHICO, CA 95928

Date		Ship Via		F.O.B.		Terms	
06/15/04		BEST WAY		Origin		Net 30	
Purchase Order Number			Order Date	Sales Person		Our Order Number	
2283			05/07/04			34069	
Quantity			Item Number	Description	Unit Price	Amount	
Required	Shipped	B.O.					
1	1		SG0025-11	SG0025A163.9V18CBYYC SN: 2077366	9900.00	9900.00	
1	0	1		START UP AND TEST	0.00	0.00	
1	0	1		LOAD BANKING TESTING AT TIME OF START UP AND TEST	450.00	0.00	
JOB # 04-3063 BUTTE COUNTY CHICO SUB STATION							

Invoice subtotal 9900.00  
Sales tax @ 7.250% 717.75

Invoice total 10617.75

**BUTTE COUNTY**

JUN 17 2004

INFORMATION  
SYSTEMS & COMMUNICATIONS

Grant # 2003-0167/2002-0133

Grant Source SK&P

Budget \$2080./\$2100 Project EXERCISE EQUIP

Check # 673244 Date Paid 8/25/04

INV # 55374

Thank You

# Butte County

## WMD/MCI Exercise After Action Report



Prepared by:

Chief Jim Broshears and  
Chief Bill Sager, CFO

For the California Department of Homeland Security  
Exercise and Evaluation Program

FY 03 PART I

May 31, 2005





# **BUTTE COUNTY PURCHASING SERVICES**

3-A COUNTY CENTER DRIVE  
OROVILLE, CA 95965-3334  
(530) 538-7261

EXHIBIT 3

## **PURCHASE ORDER NUMBER**

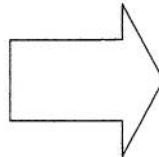
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Nº 0002333

PROVIDE MATERIAL SAFETY DATA SHEETS FOR ALL  
HAZARDOUS PRODUCTS, AS REQUIRED BY LAW, WITH  
DELIVERY OF PRODUCT SHIPPED AGAINST THIS  
ORDER. CALIFORNIA ADMIN CODE 5194(f)(M) (6-7)

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ENERGY SYSTEMS  
P.O. BOX 31420  
STOCKTON CA 95213-1420



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PLATTE MOUNTAIN RADIO VAULT  
BUTTE COUNTY  
COMMUNICATIONS  
17201 DEER CREEK HWY  
FOREST RANCH CA

DATE OF ORDER	SOLICITATION NO.	SALES REPRESENTATIVE	CASH TERMS	F.O.B.	DELIVER ON OR BEFORE	DEPARTMENT CODE	REQUISITION NO.
06/04/04		Sandra Renz		Dest.	ASAP	725-552006-184	34
QUANTITY	U/M	ITEM DESCRIPTION				UNIT PRICE	EXTENSION
1	EA	Generac Generator Model SG0025A 163.9V18CBNLC SN: 2076880					\$9,060.00
		Start up and Test					0.00
		Job #04-3015					
		***CONFIRMING ORDER *** DO NOT DUPLICATE					
		Contact Cheri Rockwell at 530-538-3877 to schedule delivery.					
BUYER NAME AND TELEPHONE NO.			Janet Woods 530-538-4353			SUBTOTAL	\$9,060.00
PURCHASE ORDER NO.			Nº 0002333			TAX	\$656.85
						GRAND TOTAL	\$9,716.85

Grant # 2003-0035 / 2004-0045

Grant Source SASGP

Budget \$7,846 / \$983 Project EQMIP A

Check # 673244 Date Paid 8/25/04

AUDITOR-CONTROLLER

AUG 25 2004

PROCESSED FOR  
PAYMENT

PURCHASING COPY

**E.S. INC. dba/ENERGY SYSTEMS**

7100 S. LONGE ST #300 (95206)  
 P O BOX 31420  
 STOCKTON, CA 95213-1420

(209) 870-1900

# Invoice

Customer No.: BUT003

Invoice No.: 54835

Bill To: **BUTTE COUNTY**  
 COMMUNICATIONS DEPARTMENT  
 #1 COUNTY CENTER DRIVE  
 OROVILLE, CA 95965

Ship To: **BUTTE COUNTY**  
 COMMUNICATIONS DEPARTMENT  
 17201 DEER CREEK HWY  
 FOREST RANCH, CA

Date		Ship Via		F.O.B.		Terms		
05/12/04		BEST WAY		Origin		Net 30		
Purchase Order Number			Order Date	Sales Person			Our Order Number	
F319364			03/29/04	SANDRA RENZ			33551	
Quantity			Item Number	Description	Unit Price	Amount		
Required	Shipped	B.O.						
1	1		SG0025-9	SG0025A163.9V18CBNLC SN:2076880	9060.00	9060.00		
1	1			START UP AND TEST JOB # 04-3015 BUTTE COUNTY COMMUNICATIONS PLATTE MOUNTAIN	0.00	0.00		

Invoice subtotal 9060.00  
 Sales tax @ 7.250% 656.85

Invoice total 9716.85

Grant # 2003-0035/2004-0045

Grant Source SHSCLP

Budget \$7,846/\$983 Project EQUIP/A

Check # 673244 Date Paid 8/25/04

**BUTTE COUNTY**

MAY 17 2004

INFORMATION  
 SYSTEMS & COMMUNICATIONS

Thank You





OROVILLE, CALIFORNIA  
GENERAL CLAIM



CLAIMANT: Sheriff/Coroner (kw)

Claim# T73

NAME: Travis Lawler, Empl.#34413

ADDRESS: 33 County Center Drive

CITY &amp; STATE: Oroville, CA 95965

DATE OF CLAIM: 6/27/2005

## SUBMIT CLAIM TO DEPARTMENT RECEIVING GOODS OR SERVICES

DATE	DESCRIPTION OF CLAIM (DESCRIBE FULLY TO AVOID DELAY)	AMOUNT
	Follow-up to travel advance for the above employee who attended training 05/08/05 - 06/10/05 in Huntsville, Alabama.	
	Lodging paid w/FPO T05-1066	
	Meals 34 days per diem	\$ 1,700.00
	Mileage	\$ -
		\$ -
	FY03 II TRAINING SHSGP	
	Total Expended	\$ 1,700.00
	Amt Advanced	\$ 1,700.00
	Amt. Expended	\$ 1,700.00
	Difference:	\$0.00
	Amt. Owed to Employee/County	TOTAL \$0.00

I, the undersigned, declare under penalty of perjury that the services or articles claimed have been performed or delivered, and that this claim is true and correct as stated.

Dated this 27 day of June, 2005, at Oroville, Calif.

*Unavailable to sign. No longer employed by Butte County.*

Signature of Claimant

I, the undersigned, hereby certify that, to the best of my knowledge, the services or articles specified above have been performed or delivered and that there is a budget Appropriation X or specific Board Approval \_\_\_\_\_ (check one) for same.

Dated this 27 day of June, 2005, at Oroville, Calif.

Department Head or Authorized Deputy

Dept.  
Code

360002

Exp.

543201

Training

Vendor #

DO NOT WRITE BELOW THIS LINE - AUDITOR'S USE ONLY

DEPT. & SUB	PROJ.	SUB. OBJ.	CLAIM NO.	INV. NO.	INV. DATE	ENCUMB.	GROSS AMT.

**COUNTY OF BUTTE**  
**REQUEST FOR TRAVEL ADVANCE INVOLVING OVERNIGHT LODGING**

TO: Auditor - Controller  
FROM: Sheriff/Coroner (kw)

Date: 04/12/05

Instructions: Prepare in triplicate and submit to department head for approval. When approved, send the white and canary copies to the Auditor for payment. Retain pink copy for department files. When you return from trip, submit a trip report (if required) and final expense claim to the department head, who will in turn send claim to the Auditor for payment. In the event your expenses equal the same amount as your travel advance, you must still submit an itemized documented expense claim to the Auditor. I HAVE READ AND UNDERSTAND THESE INSTRUCTIONS.

Signed:

1. Person wishing to travel. Travis Lawler Empl. No. 34413  
2. What is the purpose of the trip? Hazardous Devices School  
3. Attach agenda of conference or meeting, if available.  
4. What will the County gain from this trip: Training on the safe management of hazardous devices.

5. Departing Date 05/08/05 Return Date 06/10/05

6. Destination Huntsville, Alabama

7. Method of travel Public Transportation ☒ County Car ☐ Private Car ☐

8. If travel is over 400 miles one way and public transportation is not the method of travel, please explain:

9. Estimated Cost of Trip:

- Registration: . . . . . \$ -  
(If registration is paid in advance by Purchase Order, Enter PO #: \_\_\_\_\_)  
- Lodging: # of nights 33 x . . . . . \$ -  
All nights lodging is paid on Purchase Order, Enter PO #: \_\_\_\_\_  
- Meals: # of days 34 x \$50 + travel day . . . . . \$ 1,700.00  
- Mileage: # of miles 0 x \$0.375 . . . . . \$ -  
- Other Expenses (specify)  
a. . . . . \$ -  
b. . . . . \$ -  
c. . . . . \$ -  
TOTAL ESTIMATED COST . . . . . \$ 1,700.00  
10. 100% Advanced Requested Charge to 360002 543201  
Budget# Acct#  
\$ 1,700.00

POST PLAN #

PROJECT#

APPROVAL

Special Conditions:

FY03 II TRAINING SHS4P T73

(Dept. Head or Authorized Deputy)

Date

Approval of Board (if necessary) Minutes of

DO NOT WRITE BELOW THIS LINE - AUDITOR'S USE ONLY

VENDOR CODE	DEPT. & SUB.	PROJECT	CLAIM NO.	INVOICE NO.	INVOICE DATE	GROSS AMOUNT

Travis - Keep all receipts. They will be needed



FY03 II TRAINING SHS&P

U.S. Department of Justice  
Federal Bureau of Investigation

**US Army Ordnance Munitions & Electronics  
Maintenance School  
Redstone Arsenal, Alabama**



*Be It Known That*

**TRAVIS W. LAWLER  
BUTTE COUNTY SHERIFF'S OFFICE**

*having successfully completed the*

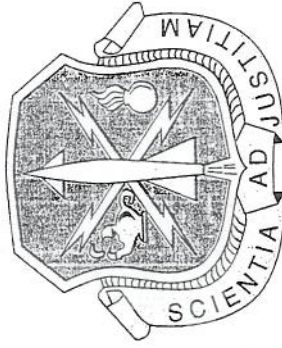
**HAZARDOUS DEVICES BASIC COURSE  
CCCC-B010-05 (210 HOURS)**

*is hereby declared a  
GRADUATE*

*In witness thereof, and by authority vested in us, we do award this*

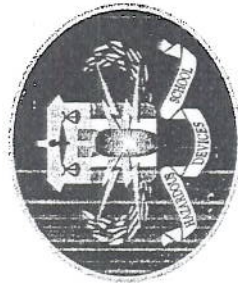
**DIPLOMA**

*Given at Redstone Arsenal, Alabama on this the 10th day of June 2005*



*David L. [Signature]*  
FBI/HDS Program Manager

*[Signature]*  
Commander







# BUTTE COUNTY GENERAL SERVICES

## ADMINISTRATION

3-A COUNTY CENTER DRIVE  
 OROVILLE, CALIFORNIA 95965-3334  
 Telephone: (530)-538-7064 Fax: (530)-538-6760

RICH HALL  
 Director - General Services

July 29, 2008

TO: John Gulserian, Emergency Services Officer

RE: Response to Finding No. 5 of OHS Monitoring Report #08-015

Finding No. 5 on page 6 of the subject report indicates that:

*"Upon review of the procurement and purchasing manual for Butte County, the program monitors determined that the manual did not include language pertaining to the Davis-Bacon Act (fair employment), the California Environmental Quality Act (CEQA), or the National Environmental Protection Act (NEPA), debarment and/or exclusion issues, and protests of awards."*

The portion of this finding related to the Davis-Bacon Act (prevailing wages) is inaccurate. Section 5.7 of the Butte County Contracts/Purchasing Policy & Procedure Manual clearly includes the language which the Finding indicated was missing.

The portion of this finding related to debarment is also inaccurate. Section 11.0 of the Butte County Contracts/Purchasing Policy & Procedure Manual clearly includes the language which the Finding indicated was missing.

The portion of this finding related to protests of awards is also inaccurate. Section 10.0 of the Butte County Contracts/Purchasing Policy & Procedure Manual clearly includes the language which the Finding indicated was missing.

The portion of this finding related to CEQA and NEPA is accurate. We have begun work on revising the Butte County Contracts/Purchasing Policy & Procedure Manual and will include the necessary language in the revised Manual.

Thank you for the opportunity to respond. If you need additional information, please do not hesitate to ask.

A handwritten signature in cursive script, appearing to read "Richards L. Hall".

Richards L. Hall  
 General Services Director



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**PUBLIC PROJECTS**

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- (c) Projects of \$100,000 and more shall be let to contract by formal bid procedures.

**5.4 Advertising**

Notice inviting formal bids – For projects over \$100,000, one publication of notice at least fourteen days prior to opening of bids is required. The notice inviting formal bids shall also be mailed at least thirty days prior to opening of bids to all construction trade journals in the County that have been identified in accordance with Section 22036 of the Public Contract Code.

**5.5 Plans, Specifications and Working Details**

For all public projects over \$100,000:

- (a) The Board of Supervisors shall adopt the plans, specifications and working details.
- (b) All bidders shall have the opportunity to examine the plans, specifications and working details.

**5.6 Public Contract Code Definition of Informal and Formal Bid Procedures**

- (a) Informal Bid Procedures - Public Project procedures shall follow the guidelines outlined in Section 6.4 of this manual. The solicitation shall be sent at least ten days prior to the bid opening to the suppliers on the applicable bid list plus the plus the three Construction Trade Journals that have been identified in accordance with Section 22036 of the Public Contract Code.
- (b) Formal Bid Procedures - Public Project procedures shall follow the guidelines outlined in Section 3.0 of this manual with the advertising requirement from Section 5.4.

**5.7 Prevailing Wages**

The payment of prevailing wage rates is generally required of contractors performing construction work valued at over \$1,000 for the County. Exceptions to this procedure can be found in the California Labor Code.

For construction projects, General Services and the Public Works Department shall make reference to and include in their contracts, the requirement for payment of prevailing wage rates adopted by the State of California, Director of Industrial Relations.

Public projects under the direction of the Director of Public Works shall be performed in accordance with the Public Contract Code, Part 3, Chapter 1, Article 25.

**DEBARMENT OF SUPPLIERS**

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**11.00 DEBARMENT OF SUPPLIERS**

After consultation with County Counsel and after reasonable notice to the supplier involved and reasonable opportunity for the supplier's representative to be heard, the Board of Supervisors shall have the authority to debar a person or firm for cause from consideration for award of contracts. The debarment shall not be for a period of more than one year.

**11.1 Causes for Debarment**

The causes for debarment include the following:

- (a) Conviction of or civil judgment for:
  - (1) Commission of fraud or a criminal offense in connection with (i) obtaining, (ii) attempting to obtain, or (iii) performing a public contract or subcontract;
  - (2) Violation of antitrust statutes relating to the submission of bids or proposals;
  - (3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
  - (4) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a contractor or subcontractor.
- (b) Violation of the terms of a public agency contract or subcontract so serious as to justify debarment, such as:
  - (1) Willful negligence or failure to perform in accordance with the terms of one or more contracts; or
  - (2) A history of failure to perform, or of unsatisfactory performance of one or more contracts.
- (c) Violation of ethical standards set forth in Section 9.0 of this manual.
- (d) For any other cause the Board of Supervisors determines to be so serious and compelling as to affect responsibility as a County contractor.



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**PROTESTS AND APPEALS**

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**10.0 PROTESTS AND APPEALS**

Any actual or prospective bidder, offeror or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the General Services Director. The protest shall be submitted in writing to the General Services Director within seven (7) working days after such aggrieved person or company knows or should have known of the facts giving rise thereto.

**10.1 General Services Director**

The General Services Director shall issue a written decision within ten (10) working days after receipt of the protest. The decision shall:

- (a) State the reason for the action taken;
- (b) Inform the Protestant that a request for further administrative appeal of an adverse decision must be submitted in writing to the Clerk of the Board of Supervisors within seven (7) working days after receipt of the decision by the General Services Director.

The General Services Director shall discuss with County Counsel all protests and appeals prior to issuing a written decision.

**10.2 Board of Supervisors**

If so requested as set forth in Section 10.1(b) above and the award is subject to approval by the Board of Supervisors, the Clerk of the Board of Supervisors shall schedule the appeal for hearing by the Board of Supervisors at a regularly scheduled meeting within twenty (20) working days from the date of receipt of the appeal. If the award is not subject to approval by the Board of Supervisors, the Purchasing Agent shall make the final decision on the merits of the protest.

- (a) Once the Clerk of the Board has scheduled the appeal hearing, written notification thereof shall be given to the appellant by personal service not less than ten (10) working days from the date of the hearing.
- (b) At the hearing, the appellant shall have the right to testify, to be represented by counsel, to present witnesses on his/her own behalf, to cross-examine all other witnesses and to present oral and written documents and evidence on the issues.
- (c) At the conclusion of the hearing, the Board of Supervisors shall make findings of fact and a decision concerning the issues raised by the appellant.
- (d) Review of the proceeding before the Board of Supervisors may be sought in accordance with Code of Civil Procedure.

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**PROTESTS AND APPEALS**

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**10.3 Stay of Purchasing Action During Protest**

In the event of a timely appeal before the Board of Supervisors under this Section, the County shall not proceed further with the solicitation or with the award of the contract until the appeal is resolved unless the General Services Director, in consultation with the head of the using department and County Counsel, makes a written determination that the award of the contract without delay is necessary to protect a substantial interest of the County.

**10.4 Remedies Prior to an Award**

If prior to award it is determined that a solicitation or proposed award of a contract is in violation of law, then the solicitation or proposed award shall be:

- (a) Canceled; or
- (b) Revised to comply with the law.

**10.5 Remedies after an Award**

If after an award it is determined that a solicitation or award of a contract is in violation of law then:

- (a) If the person awarded the contract has not acted fraudulently or in bad faith:
  - (1) The contract may be ratified and affirmed, provided it is determined that doing so is in the best interests of the County; or
  - (2) The contract may be terminated.
- (b) If the person awarded the contract has acted fraudulently or in bad faith:
  - (1) The contract may be declared null and void; or
  - (2) The contract may be ratified and affirmed if such action is in the best interests of the County, without prejudice to the County's right to such damages as may be appropriate.

Prior to making such a decision, it is recommended that County Counsel's Office be consulted.